

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPENCER MEYER, individually and on behalf of
those similarly situated,

Plaintiffs,

-against-

TRAVIS KALANICK and UBER
TECHNOLOGIES, INC.

Defendants.

1:15 Civ. 9796 (JSR)

ECF Case

**DECLARATION OF JAMES H. SMITH IN SUPPORT OF
PLAINTIFF'S REPLY MEMORANDUM OF LAW IN SUPPORT OF HIS
MOTION FOR RELIEF RELATED TO THE ERGO INVESTIGATION**

CONSTANTINE CANNON LLP

Matthew L. Cantor
David A. Scupp
335 Madison Avenue
New York, New York 10017

CAFFERTY CLOBES

MERIWETHER & SPRENGEL LLP

Bryan L. Clobes
Ellen Meriwether
1101 Market Street, Suite 2650
Philadelphia, PA 19107

ANDREW SCHMIDT LAW PLLC

Andrew Arthur Schmidt
97 India Street
Portland, Maine 04101

MCKOOL SMITH, P.C.

John Briody
James H. Smith
One Bryant Park, 47th Floor
New York, New York 10036

Lewis T. LeClair
300 Crescent Court, Suite 1500
Dallas, Texas 75201

HARTER SECREST & EMERY LLP

Brian Marc Feldman
Jeffrey A. Wadsworth
Edwin M. Larkin
A. Paul Britton
1600 Bausch & Lomb Place
Rochester, New York 14604

Counsel for Plaintiff Spencer Meyer

James H. Smith, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney at McKool Smith, P.C., representing Plaintiff Spencer Meyer ("Plaintiff") in the above-captioned case, and I make this declaration in support of Plaintiff's Reply Memorandum of Law in Support of His Motion for Relief Related to the Ergo Investigation.

2. I am over eighteen years of age and have personal knowledge of the matters stated herein.

3. Attached to this declaration as Exhibit A is a true and correct copy of excerpts from the transcript of the June 23, 2016 deposition of Craig Clark. Uber Technologies, Inc. ("Uber") has designated this document "Confidential" under the Protective Order entered on June 16, 2016 ("Protective Order").

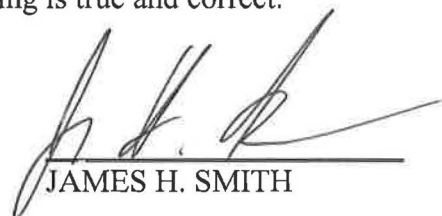
4. Attached to this declaration as Exhibit B is a true and correct copy of excerpts from the transcript of the June 23, 2016 deposition of Joseph Sullivan. Uber has designated this document "Confidential" under the Protective Order.

5. Attached to this declaration as Exhibit C is a true and correct copy of excerpts from the transcript of the June 22, 2016 deposition of Mathew Henley. Uber has designated this document "Confidential" under the Protective Order.

6. Attached to this declaration as Exhibit D is a true and correct copy of excerpts from the transcript of the June 15, 2016 deposition of Todd Egeland. Global Precision Research LLC d/b/a Ergo ("Ergo") has designated this document "Confidential" under the Protective Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 8, 2016



JAMES H. SMITH